

Legal Review of the Role of Prosecutors in Optimizing the Increase in Criminal Sanctions Against Pedophiles (Research Study at the Wajo District Attorney's Office)

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Abstract. *However, can the actualization of the role of the Prosecutor in implementing court decisions in the form of chemical castration be realized fluently, considering the considerations from various parties that lead to contradictions that are involved in the support system in implementing chemical castration sentences against pedophiles. The aim of this research is to find out and analyze (1) a review of national criminal law on the implications of pedophilia with child protection law, (2) the problems for prosecutors in implementing heavy criminal sanctions for pedophilia perpetrators, (3) the concept of effective legal supremacy in overcoming the problems of implementing heavy criminal sanctions for pedophilia perpetrators. The approach method used in this study is sociological juridical. The specifications of this study are descriptive analytical. The data sources used are primary data and secondary data. Primary data is data obtained directly from the field or from the first source and has not been processed by other parties. Based on the results of the research and discussion, it can be concluded: (1) There are no laws and regulations in Indonesia that specifically mention the crime of pedophilia, only that laws and regulations, especially Law Number 35 of 2014 concerning Child Protection in Articles 81 and 82, have explained the punishments that will be imposed on perpetrators of sexual deviations who make children their victims. (2) In the execution of chemical castration, the Prosecutor is not an expert in health, so the Prosecutor's Office collaborates with the IDI (Indonesian Doctors Association) to carry out the execution of the sentence, because the IDI is considered the most competent in carrying out punishments with medical elements. Theoretically, the implementation of chemical castration has been properly regulated in PP Number 70 of 2020, but it is different from the situation in the field. (3) That the Fatwa of the Medical Ethics and Honorary Council (MKEK) Number 1 of 2016 concerning Chemical Castration needs to be reviewed again because there are already regulations in the Republic of Indonesia Government Regulation Law Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children.*

Keywords: *Criminal Sanctions; Pedophilia; Prosecutor.*

1. Introduction

Crime is one of the terms given to assess a person's actions. The assessment depends on who is judging. The term crime is given because there is a loss that arises or a disability experienced by another person. All actions that deviate from legal regulations and norms can be called crimes. Crimes in criminal law are listed in Book II of the Criminal Code and also outside the Criminal Code. Violations are also criminal acts.¹ Crimes that are often experienced by children lately are sexual violence in the form of molestation where the perpetrators are pedophiles. Cases of molestation, sexual harassment or rape in Indonesia are increasing and frightening. The main target is minors. From the cases that are currently very common, children are victims of perpetrators of pedophilia. Cases of sexual harassment against minors are a scourge that needs to be addressed so that minors do not become psychologically traumatized which can interfere with their mental and personality. Sexual crimes are deviant sexual behavior that harms victims and disturbs society and always develops along with the development of human life. Perpetrators of sexual crimes no longer look at anyone to be a victim, be it old or young or even children to fulfill their sexual desires. Adults who commit sexual crimes against children are called pedophiles. Lambroso said that the types of criminals are born criminals; criminals because of lust, namely people who because of their lustful nature carry out their will as they please; and a mixed form between criminals, birth/talent plus opportunity, and criminals who commit crimes due to circumstances that less than perfect.²

Pedophilia comes from Greek, consisting of two syllables, pedo means child and phile means strong urge or love. Pedophilia is a sexual disorder in the form of sexual impulse desires or fantasies involving minors. Pedophilia sufferers have deviant sexual behavior where they choose minors as objects for satisfying their sexual needs. Pedophiles often indicate an inability to relate to other adults so they seek out children as an outlet.³ Molestation is a criminal act that is contrary to and violates a person's decency and morality regarding and relating to the genitals or other parts of the body that can stimulate sexual desire.⁴ For example, stroking or rubbing the penis or vagina, holding breasts, kissing a woman's mouth. There are several forms and types of terms about indecency are:

- a) *Exhibitionism*sexual, that is, deliberately exposing genitals to children.
- b) *Voyeurism*that is, an adult kisses a child passionately.
- c) *Foundation*namely, stroking/touching a child's genitals.
- d) *Fellatio*that is, the adult forces the child to make mouth contact.⁵

¹Roeslan Saleh, *Criminal Acts and Criminal Responsibility: Two Basic Concepts in Criminal Law*, 3rd Edition, Aksara Baru, Jakarta: Aksara Baru, 1983, p. 17

²Stefano Ferracuti, Cesare Lombroso (1835-1907), *Journal of Forensic Psychiatry*, 7 (1), May 1996, p 141

³Yunus Aulia Siregar, Muslim Harahap, Sugih Ayu Pratitis, *Legal Review of Child Victims of Criminal Acts with Pedophilia Perpetrators*, *Journal of Legal Perspectives*, 4 (1), June 2023, p. 34

⁴Adami Chazawi, *Criminal Acts Concerning Decency*. Raja Grafindo Persada. 2007

⁵Kartini Kartono, *Abnormal Psychology and Sexual Abnormality*. Mandar Maju, 1985

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Pedophilia is one of the crimes against morality that is increasingly developing over time and is one of the realities in life that requires special handling. This is because crimes against morality will cause unrest in society. Therefore, various efforts are always made to overcome these crimes, although in reality it is very difficult to eradicate criminal acts completely because basically criminal acts will always develop along with the development of society.

Sexual violence against children is a special concern for the state. Indonesia as a country of law carries out the mandate of the constitution by issuing regulations as an effort to stop cases of sexual violence against children and provide a deterrent effect for perpetrators. One of the newly enacted legal regulations related to this discourse is Government Regulation Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children. The regulation has received pros and cons from the community because it regulates chemical castration punishment for perpetrators of sexual violence against children adopted from western countries such as Europe and America, which is interesting for researchers to study in its complexity. It is only right that law enforcement officers give appropriate sanctions to perpetrators of sexual violence crimes. So that the supremacy of law is truly upheld and order is created in society, sanctions are expected to provide a deterrent effect for perpetrators of sexual violence crimes so that they will not repeat their actions and prevent others from committing such crimes because of the threat of quite severe sanctions.

Enforcement of chemical castration sanctions in Indonesia is still a problem, because no action has been taken even though there has been a final court decision.⁶This chemical castration action cannot be carried out by just anyone but must be carried out by an authorized person according to the laws and regulations. If you look at the provisions in Article 270 of the Criminal Procedure Code (KUHP), it is explicitly explained that the Prosecutor has an obligation to implement a court decision that has obtained binding legal force.⁷This means that, in the case of a court decision giving an additional criminal sentence in the form of chemical castration against the defendant, the prosecutor himself must be the executor, even though he does not have knowledge about it, but the law already says so. Thus, basically the one who is authorized to carry out chemical castration against perpetrators of sexual crimes is the prosecutor, not other professions that are not mentioned in the law. The Prosecutor's Office is an agency that has the right to be a Public Prosecutor and investigate a criminal act as stipulated in Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. The Prosecutor's Office is the holder of the stages of the case (*Dominus Litis*), because only the Prosecutor's Office can determine whether a problem can be continued to court or not with concrete evidence based on the Criminal Procedure Law and the Prosecutor's Office is the sole agency implementing criminal decisions (*executive ambtenaar*). Prosecutors have an important role in

⁶Dwinagusnita, Implementation of Chemical Castration as a Form of Additional Criminal Punishment in Indonesia Reviewed from the Perspective of Health Law (Decision Number 695/Pid.Sus/2019/Pt.Sby 2019), Universitas Indonesia Library, 2021, p. 60

⁷W. Afifah, The Authority of Doctors in Carrying Out the Execution of Castration Punishment. *Al-Daulah: Journal of Islamic Law and Legislation*, 10 (2), 2021, p 309.

implementing court decisions in the form of severe criminal sanctions for pedophiles who are processed through the criminal justice system starting from the pre-prosecution stage, prosecution to the implementation of the judge's decision.

2. Research Methods

To conduct a study in this research, the author uses a sociological legal method (social legal research) to study and discuss the problems raised. Juridical is an approach that uses legal principles and principles derived from written regulations, sociological is an approach that aims to clarify the actual conditions that exist and appear in society regarding the problems studied or to give importance to the observation steps.⁸

3. Results and Discussion

3.1. National Criminal Law Review of the Implications of Pedophilia Acts with Child Protection Law

Humans as thinking creatures have differences with other creatures. Quoting a statement from Aristotle that humans are animals that have rationality (animal rationale) only what distinguishes and separates humans from animals is that humans are seen as the only animals that are fully alive, unlike other animals where they do not have feelings to feel joy or sorrow.⁹ Humans are used as objects of philosophy to be studied in depth from various sides, one of which is studying related to human behavior. Some parts of this behavior are studied in detail by the philosophy of law. Bendeer OP provides an explanation related to the relationship between philosophy and the philosophy of law, namely as follows: 1) Human philosophy with its genus of philosophy, 2) Ethical philosophy with species of philosophy, 3) Legal philosophy with subspecies of philosophy. It can be said that humans are included in the framework of the object of philosophy, as are children who are processes that exist within humans.¹⁰

In essence, humans are mono-pluralist creatures, namely creatures who have the nature of helplessness and inability. Children since birth have certain characteristics to adapt to their environment. As is known, children are the potential and successors of the nation's ideals, the foundation of which has been laid by the previous generation. If this new generation is looked after and nurtured well, then the children will grow and develop well according to their desires and hopes.¹¹

Before reaching adulthood, every human being must go through childhood in his life. The process during childhood is certainly very important because it will have an impact on

⁸Rony Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Jakarta, 1990, p. 34

⁹Serlika Aprita & Rio Adhitya, *Philosophy of Law*, Rajawali Press, Depok, 2020, p. 49

¹⁰Laurensius Arliman S, *The Role of Legal Philosophy in the Sustainable Protection of Children's Rights as Part of Human Rights*, *Doctrinal Law Journal*, 1 (2), 2016, p 1.

¹¹Abu Huraerah, *Violence Against Children*, Nusantara, Bandung, 2006, p. 18.

adulthood. RA Kosnan provides an understanding of children, namely people who are young at heart and easily influenced by their environment.¹²

Every child has their own rights, the right to life, the right to education, including the right to be protected. It is only right that every child gets protection, including protection from the state so that children's rights are fulfilled, because children are the successors of every nation. Children as the next generation of the nation's struggle in terms of carrying out the development of a nation. Things that are inherent in children are as vulnerable and unique people physically and psychologically so that they need to get various attention during the child's growth and development process.¹³

Children are actually an investment and hope for the future of the nation and as the successor to the next generation. In the life cycle, the childhood phase is a stage where children experience growth and development that can determine their future. Child growth and development are very important because in addition to being crucial, attention and affection from the family, especially from parents, are also very much needed for children, so that basically the rights and needs of children can be met properly.¹⁴

The ideal of society in general wants their children to grow up healthy, cheerful, intelligent, and have their lives guaranteed so that their growth and development are guaranteed. However, the social reality that occurs shows differences, sometimes even deviating from what we expect.¹⁵ Protecting children is an obligation so that they do not become victims of actions by various parties, either directly or indirectly. In essence, children cannot protect themselves from various actions that cause mental, physical, or social harm in various areas of life and livelihood. Children need help from others to protect themselves, because of their situation and condition.¹⁶ Children really need various kinds of protection so that they do not experience any harm, whether mental, physical or social.

Seeing the reality today, there are many children who do not get full protection from various parties. There are many news circulating that children get violence, are treated unfairly, are tortured, and there is even exploitation of children. Nowadays, we hear more and more about sexual violence committed against children. Children are considered vulnerable to sexual violence because many still do not understand about sexual lessons and their physical condition tends to be weaker than adults. Sexual violence is not only experienced by girls, but also boys.

Based on data from the online information system for the protection of women and children (Simfoni PPA), it was noted that sexual violence ranked first as the type of violence most often experienced by children in 2024. The number of victims of sexual violence against children in

¹²RA Kosnan, *Criminal Structure in the Indonesian Socialist State*, Sumur, Bandung, 2005, p. 49.

¹³Aqilla Fadia Haya & Yordan Asmara, *Legal Philosophy and Its Role in the Framework of Child Protection*, *Padjadjaran Law Review*, 11 (1) 2023, p 14

¹⁴Ratna Sari et.al., *Sexual Abuse of Children*, *Research & PKM*, 1 (2), 2015, p 14.

¹⁵Hadi Supeno, *Criminalization of Children*, Gramedia Pustaka Utama, Jakarta, 2010, p. 69.

¹⁶Maidin Gultom, *Legal Protection for Children and Women*, Refika Aditama, Bandung, 2018, p. 69

2024 reached 7,623 cases.¹⁷This data may increase because it is possible that there are still many cases that have not been reported, received, or updated by KPAI.

A tragic fate was experienced by a girl with the initials Nf (14), in East Lampung, Lampung. The reason is, when her parents left her in a safe house owned by the government institution, the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) East Lampung, Nf actually became a victim of rape. Ironically, the alleged perpetrator was DA who was none other than the Head of the P2TP2A UPT himself. The victim's biological father did not expect what his daughter experienced. Because, the reason for leaving her child in the government institution was initially because he wanted to ask for protection and assistance. Considering that his eldest daughter had previously been a victim of rape by irresponsible people. The molestation case was revealed after the victim managed to escape from the safe house and told her uncle. Nf said, in addition to being forced to serve the perpetrator's depraved lust, she was also sold by DA to another man while in the safe house. One of them was to a hospital employee in Sukadana which was done in a hotel.¹⁸

The many cases of sexual violence against children are a special concern that must be resolved immediately. Legal protection for children so that their growth and development are maximized is an important thing. However, in its implementation there are violations committed by irresponsible individuals, even when in a government protection institution children can still feel unsafe as in the case above.

Perpetrators of sexual violence against children are usually adults who are close to the victim, whether it is the family environment or people in the child's residential or activity environment.¹⁹The perpetrator in this case is often referred to as a pedophile. The meaning of the word pedophilia is actually love for children, but there has been a development in meaning over time, so that it is generally used as a term to explain one of the psychosexual disorders where the individual has an abnormal erotic desire for children.²⁰

Pedophilia as a mental disorder or disorder in a person to act by making children the target of the action, generally the form of the action is in the form of venting sexual desire. This act of sexual harassment is very disturbing because the victims themselves are children, this sexual harassment causes psychological trauma that cannot be hidden in a short time. The impact of this act of sexual violence does vary depending on how the perpetrator treats the victim. Pedophiles often indicate an inability to relate to other adults so they look for children as an outlet, most pedophiles are victims of sexual abuse in their childhood. In this pedophilia is a form of sodomy or same-sex sexual harassment and also different types of sexual

¹⁷<https://data.goodstats.id/statistic/sexual-violence-in-children-is-a-big-threat-in-2024-FIZNL>, Accessed on May 9, 2025

¹⁸<https://regional.kompas.com/read/2020/07/05/16000071/-ngakunya-perlindungan-anak-ternyata-biadab-?page=all#page2>, Accessed on May 9, 2025

¹⁹Muhammad Zubedy Koteng, Efforts to Prevent and Handle Sexual Crimes Against Children, *Warta Hukum dan HAM, Humanis*, 1 (XII), July 2016, p. 9

²⁰Shanty Dellyana, *Women and Children in the Eyes of the Law*, Liberty, Yogyakarta, 2004, p 19-22

harassment committed by adults against children. So pedophilia can be said to be sexual behavior, or repeated and strong behavior in the form of sexual activity with children.²¹

Based on this reality, child crimes, especially sexual crimes against children (pedophilia) must be addressed with criminal law. In the policy of formulating criminal law, the criminalization process plays an important role, because at this stage the lawmakers determine an act that was originally not a crime to be a crime. Every act that is criminalized must consider many things, such as the legal interests to be protected, the level of danger, loss, cost, readiness and mastery of technology by the authorities and so on.

Any person who intentionally commits violence or threatens violence to force a child to have sexual intercourse with him or another person shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a fine of a maximum of Rp. 300,000,000.00 (three hundred million rupiah) and a minimum of Rp. 60,000,000.00 (sixty million rupiah).²²

The provisions of Article 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection explain that:

Any person who intentionally commits violence or threats of violence, forces, commits trickery, a series of lies, or persuades a child to commit or allow an indecent act to be committed, shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a fine of a maximum of Rp. 300,000,000.00 (three hundred million rupiah) and a minimum of Rp. 60,000,000.00 (sixty million rupiah).²³

In terms of the dynamics of the development of the Child Protection Law in determining criminal sanctions against perpetrators of pedophilia, cases of sexual violence against children are very concerning with the emergence of cases repeatedly, even though Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection contains a formulation of criminal sanctions that are heavier than the previous law for perpetrators of pedophilia.²⁴ The threat of criminal sanctions for perpetrators of sexual crimes in Law No. 23 of 2002 concerning Child Protection is a minimum prison sentence of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp60,000,000 (sixty million rupiah) and a maximum of Rp300,000,000 (three hundred million rupiah). Meanwhile, in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, the threat of imprisonment was changed to a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp5,000,000,000 (five billion rupiah). However, changes in criminal sanctions against perpetrators of sexual violence have not been enough to reduce the number of pedophilia crimes in Indonesia. The increasing number of pedophilia cases has

²¹Marzuki Umar Sa'abah, Op.Cit, 1997, p 154

²²Article 81 Paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

²³Article 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

²⁴Lidya Suryani Widayati, Castration as an Effort to Protect Children from Sexual Violence, Brief Legal Information: A Brief Study of Current and Strategic Issues, VII (20)/II/P3DI, October 2015, p. 2

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led several parties to propose giving heavier criminal sanctions to perpetrators of pedophilia, namely castration (injection castration).

In response to this, with the main reason of overcoming the sexual emergency in Indonesia, the government quickly issued Perpu No. 1 of 2016. In Perpu No. 1 of 2016, there is an additional principal criminal penalty, namely a maximum of 20 years in prison.

Article 81 paragraph (5): "In the event that the criminal act as referred to in Article 76D results in more than 1 (one) victim, results in serious injury, mental disorder, infectious disease, impaired or loss of reproductive function, and/or the victim dies, the perpetrator shall be sentenced to death, life imprisonment, or imprisonment for a minimum of 10 (ten) years and a maximum of 20 (twenty) years."

The policy of increasing criminal penalties, especially principal penalties, is regulated in Article 81 paragraph (1) to paragraph (5) and is aimed at the following cases:²⁵

- 1) Sexual violence committed by parents, guardians, people who have family ties, child caretakers, educators, education personnel, or officers who handle child protection.²⁶This aggravation is because these parties are the closest people to the child so that the opportunity to commit violent crimes against children is greater because the child is not yet able to protect himself due to the child's weaker physical and psychological condition. Lately, there have been many cases of sexual violence committed by people closest to the child, such as his own biological father so that greater efforts are needed to protect the child, especially his biological mother at home, the mother is considered the closest person to her children. In addition to the child's closest people, they also have an obligation to protect their children.
- 2) Crimes of sexual violence committed by more than 1 (one) perpetrator together. This aggravation is intended in cases of sexual violence in the form of an accessory offense (*deelneming delicten*), namely "there are 2 (two) or more people who take part in realizing a crime". Because the form of responsibility is not regulated in this law, it refers back to articles 55 and 56 of the Criminal Code which are general rules (*lex generalis*). In the crime of accessory there are 2 who can be held responsible for the actions of the accessory, the perpetrator of the crime and the assistant to the crime.
- 3) Sexual violence committed by a perpetrator who has been convicted of committing sexual violence Article 76D. In criminal law theory there are 3 (three) types of recidive crimes. First, general recidive is a criminal act decided by the court against the perpetrator. Then the perpetrator carries out the sentence until it is finished. After leaving, the perpetrator commits any unlawful act. Second, special recidive is a criminal act that is committed exactly the same as the previous one. Third (*tussen stelsel recidive*) a criminal act committed by the perpetrator when viewed from the previous criminal act is not exactly the same but has the same criminal qualifications. Included in this law is special recidive where the act committed must be exactly the same as the previous one as formulated in Article 76 D.

²⁵Ari Wibowo, Policy on Increasing Sentencing for Perpetrators of Sexual Violence Against Children from the Perspective of the Purpose of Sentencing, *Jurnal Yuridis*, 4 (1) June 2017, p 3-4

²⁶Article 81 paragraph (5) of Government Regulation in Lieu of Law (Perpu) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection

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- 4) Sexual violence involving more than 1 (one) victim.
- 5) Sexual violence that results in serious injury, mental disorders, infectious diseases, impaired or loss of reproductive function, and/or death. This aggravation is assessed based on the consequences received by the victim, whether it is committed against how many victims or the consequences of the act on a person's physical body. This means that if there is more than one victim and it results in physical injury, then the act is a serious act and the sanctions must also be serious.

3.2. Problems for Prosecutors in the Implementation of Heavy Criminal Sanctions for Pedophile Offenders

According to Yuwono, pedophiles can generally be divided into several forms of pedophilia, namely as follows:

- 1) Exclusive type (fixated) pedophilia
Exclusive (fixated) pedophilia is someone who is only interested in small children, and has no interest in adults. The perpetrators are mostly adult males who tend to like young boys.
- 2) Non-exclusive (regressed) type pedophilia
Non-exclusive (regressed) pedophilia is a person who is not only interested in children but also in adults. Generally, the perpetrator is a married adult male, but still has an interest in girls aged 8-10 years.
- 3) Cross sex pedophilia
Cross sex pedophilia is a man who likes to sexually touch girls. Generally the perpetrator becomes a friend of the girl, and then gradually involves the child in sexual relations, and the nature is not coercive. Usually the perpetrator only rarely has sex.
- 4) Same sex pedophilia
Same sex pedophilia is someone who prefers to have sexual activity with children of the same sex and they do not have sexual relations with adults of the opposite sex. Common sexual activities include groping the child's body, masturbation, oral stimulation by boys and anal sex where men play an active role.
- 5) Female pedophilia
Pedophilia is more often done by men, however women can also suffer from pedophilia, although this is rarely reported. This may be due to the nature of women who are maternal and boys do not consider this as something negative, so cases of female pedophilia are rarely reported.²⁷

In terms of pedophilia action patterns, in terms of molestation of minors, a pedophile can carry out various action patterns as follows:

- 1) The perpetrator committed the crime of rape against a minor by inviting the child who would become his victim to get to know him, the perpetrator offered something like taking him home or promising something. After the victim accepted the offer, the perpetrator committed the molestation.

²⁷Ismantoro Dwi Yuwono, Application of Law in Cases of Sexual Violence Against Children, Yogyakarta, Pustaka Yustisia, 2015, p. 45

- 2) The perpetrator committed the crime of child molestation by giving a drink that had been mixed with drugs that made the child fall asleep or faint, these drugs are easily obtained at pharmacies without a doctor's prescription, including CTM (Chlorpheniramine) or Diazepam and other anesthetics that can cause strong drowsiness. After the victim was unconscious, the perpetrator then committed rape.
- 3) The perpetrator committed indecent acts against minors by using a perpetrator who is close to children or is often around children, inviting them to play or talk to the child and then inviting them to a place with the promise of money or a gift. After the child agreed to the perpetrator's invitation, the perpetrator committed indecent acts.
- 4) The perpetrator of sexual abuse who makes a child the object of his rape by starting from electronic media in the form of social networks such as Facebook, Instagram, Twitter and others where the age of a child is able to know and use the advancement of technology, after the perpetrator talks or in other words chats with the child victim, then the child is invited to meet the perpetrator and after the perpetrator meets the child who will be his object, then the perpetrator leads the child to a place to carry out the perpetrator's evil intentions, namely sexual abuse.
- 5) The perpetrator committed indecent acts against minors using the pattern or method of kidnapping the child who would be the object of his indecent acts and taking him to a place, then the perpetrator carried out his evil intentions, namely molesting the child.
- 6) The perpetrator commits indecent acts against minors using a pattern or method, the perpetrator hypnotizes or makes the child unconscious with the power of the subconscious created by the perpetrator so that whatever the perpetrator says the child or victim will always obey him from a situation such as the perpetrator carrying out his evil intentions by molesting the child or victim.
- 7) The perpetrator commits indecent acts against minors by means or patterns of violence and threats of violence against the child or victim so that the child becomes afraid, and the perpetrator is free to commit indecent acts against the victim.²⁸

From the patterns of molestation by pedophiles above, it is used by rape perpetrators to achieve sexual satisfaction which is vented on children. From the various forms of patterns carried out by the perpetrators, it is caused by a factor that supports the act, namely the existence of an opportunity or chance by means of a direct approach to the victim.

The punishment for perpetrators of child sexual violence is actually threatened with severe punishment in the Child Protection Law No. 23 of 2002, namely the threat of a maximum sentence of 15 years in prison, but cases of sexual violence continue to increase. Several parties have suggested that the threat of punishment needs to be increased by adding punishments such as severing the perpetrator's libido nerves as expressed by former Minister of Social Affairs Khofifah Indar Parawansa in 2016. Khofifah explained that cases of child pedophilia with an impact on the victim can create a chain pattern where the victim of the pedophile can become a new pedophile so that the proposal arose to sever the perpetrator's libido nerves to prevent the perpetrator from doing the same thing after being released from punishment. Khofifah revealed that comparatively in Europe, America, and several countries

²⁸Nunuk Sulisrudatin, Analysis of Criminal Acts of Molestation by Pedophiles, Journal of Aerospace Law, 6 (2) March 2016, p. 26

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in Asia have even done this to punish perpetrators of pedophilia, sodomy, and other sexual violence. Khofifah's proposal also received support in the form of pressure from Basuki Tjahaja Purnama when he was Governor of DKI Jakarta, Ahmad Heryawan when he was Governor of West Java, and Edi Saputra Hasibuan, Commissioner of the National Police Commission (Kopolnas) in 2016.²⁹

The government in response to the increase in cases of pedophilia in children has finally legitimized the implementation of chemical castration punishment with the legal basis of Law No. 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection which has been ratified into Law on November 9, 2016 in which the chemical castration punishment policy has been regulated by the state, determined and implemented as in the latest article of the Law.

Additional punishment (*Bijkomende Straf*) is intended as a development of criminal steps and prevention patterns against lawbreakers that are expected to develop effectively in order to prevent and create a deterrent effect from various types of crimes in society, so as to create a dynamic social control mechanism. Additional punishment given to pedophiles is expected to be more capable of preventing the perpetrators' bad intentions, considering its binding, firm nature and causing great losses and the severity of the punishment.³⁰

The urgency of the legitimacy of chemical castration sanctions in the Child Protection Law Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection (Child Protection Law) regulates sanctions for actions against perpetrators of sexual violence, one of which is chemical castration as regulated in Article 81 paragraph (7) which states that "Perpetrators as referred to in paragraph (4) and paragraph (5) may be subject to actions in the form of chemical castration and installation of electronic detection devices" based on several fundamental considerations, namely:

- 1) That the state guarantees children's rights to survival, growth and development and has the right to protection from violence and discrimination as stated in the 1945 Constitution of the Republic of Indonesia;³¹
- 2) That sexual violence against children is increasing significantly, threatening and endangering children's lives, damaging children's personal lives and development, and disrupting the sense of comfort, peace, security and public order;³²

²⁹Nunuk Sulisrudatin, *Op.Cit.*, 6 (2) March 2016, p. 28

³⁰Adam Yuriswanto & Ahmad Mahyani. *Castration Punishment as Additional Punishment in Sexual Crimes*. In *H Journal of Legal Studies*, 14 (27) February 2018, p 30.

³¹Consideration of letter a of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection

³²Consideration of letter b of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection

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3) That the criminal sanctions imposed on perpetrators of sexual violence against children have not provided a deterrent effect and have not been able to comprehensively prevent the occurrence of sexual violence against children.³³

According to Article 1 paragraph (11) of the Criminal Procedure Code, a court decision is a judge's statement made in an open court session, which can be in the form of a criminal sentence or acquittal and all legal charges in matters and according to the methods regulated by law.³⁴The executor of a criminal decision is the party responsible for implementing a criminal court decision that has permanent legal force (*inkracht van gewijsde*). In the Indonesian context, the Public Prosecutor (*Jaksa*) has a role as a criminal executor. The duties of the prosecutor as an executor include the implementation of imprisonment, fines, death sentences, and also other additional penalties stipulated in the court decision.³⁵Executie is the last institution in a criminal case examination process, in order to implement a court decision that has obtained permanent legal force. The implementation of a court decision that has permanent legal force in a criminal case is carried out by the Prosecutor, and therefore a copy of the decision will be given to him by the clerk.³⁶

The Prosecutor's Office, which is a government institution of the Republic of Indonesia, is tasked with implementing state power in the field of prosecution and other authorities based on the Law as well as controlling the case process (*Dominus Litis*).³⁷The prosecutor not only serves as a public prosecutor in the trial process, but also as a guardian of justice who must ensure that the legal process takes place fairly and in accordance with applicable legal provisions. According to the Criminal Procedure Code, the Prosecutor's Office plays an important role in the law enforcement stage and is the only institution authorized to decide if sufficient evidence is found to support the filing of criminal charges in court.

Based on the results of interviews with sources in the Attorney General's Office, namely Soedharmanto, he stated that the role of the prosecutor in prosecuting cases related to pedophilia in Indonesia is very important in maintaining

justice and upholding the law in the onslaught of increasing cases of child molestation. As law enforcers, prosecutors have the primary responsibility in prosecuting and executing court decisions against pedophiles.³⁸The execution of the decision is the responsibility of the Prosecutor as stipulated in Article 30 paragraph (1) letter b of the Republic of Indonesia

³³Consideration of letter c of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection

³⁴Article 1 Paragraph 11 of the Criminal Procedure Code

³⁵Allan Rouwman Supit, Implementation of Criminal Decisions that Have Permanent Legal Force According to the Criminal Procedure Code, *Lex Privatum*, IV (7) August 2016, p. 117

³⁶Fiona L. Pelafu, Enforcement of Court Decisions in Criminal Cases Based on the Criminal Procedure Code, *Lex Crimen*, VI (3) May 2017, p 89

³⁷Fadlil Altansa & Diding Rahmat, Legal Analysis of the Prosecutor's Authority in Enforcing the Law on Information and Electronic Transaction Crimes, *Lex Laguens: Journal of Law and Justice Studies*, 2 (1) February 2024, p. 5

³⁸Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

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Prosecutor's Office Law (Prosecutor's Office Law) Number 11 of 2021, the Prosecutor as the executor is responsible for implementing the judge's decision or in the narrative in substance implementing the judge's decision and court decision that has obtained permanent legal force.

And in Article 36 of Law no. 4 of 2004 concerning Judicial Power States that:

- 1) The implementation of court decisions in criminal cases is carried out by the prosecutor;
- 2) Supervision of the implementation of court decisions as referred to in paragraph (1) is carried out by the head of the relevant court based on the law.
- 3) The implementation of court decisions in the civil sector is carried out by the court clerk or bailiff led by the chairman of the court.
- 4) Court decisions are made by taking into account the values of humanity and justice.³⁹

Government Regulation 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children. Based on Article 5 of Government Regulation Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children, it states that Chemical Castration is imposed for a maximum period of 2 (two) years. Article 6 states that Chemical Castration is carried out through the following stages:

- 1) clinical assessment;
- 2) conclusion; and
- 3) implementation.⁴⁰

In government regulation number 70 of 2020, it contains detailed information on how the implementation mechanism of chemical castration is carried out. According to the regulation, not all perpetrators can be subject to castration, child perpetrators cannot be sentenced to this punishment, and other perpetrators who do not comply with clinical assessments and conclusions. In accordance with Article 3 Government Regulation 70 of 2020, actions will be taken by parties who are competent in their fields.⁴¹

The purpose of clinical assessment is carried out by a team consisting of competent officers. Where clinical assessment consists of:

³⁹Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁴⁰Article 6 of Government Regulation 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children

⁴¹Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

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- 1) Clinical and psychiatric interviews;
- 2) Physical examination;
- 3) Supporting investigation.

Inference from the results of clinical assessments to determine whether or not the perpetrator is eligible to be subject to chemical castration. The implementation of castration is carried out after receiving the conclusion with a period of 7 days after being received. As for the electronic detection device as per Article 14 Government Regulation 70 of 2020 is a device in the form of an electronic bracelet or something similar.⁴² The installation of this detector device is carried out as soon as possible after the perpetrator has served the principal sentence for a maximum period of 2 years. After completing the installation of the device for 2 years, the prosecutor will order the removal of the device.⁴³

In the interpretation of rehabilitation as referred to in Article 18 of Government Regulation 70 of 2020, it is given to pedophiles in the form of:

- 1) Psychiatric rehabilitation;
- 2) Social rehabilitation;
- 3) Medical rehabilitation.⁴⁴

The Rehabilitation Stage is given to the perpetrator on the order of the Prosecutor and begins no later than 3 months after the implementation of chemical castration. The duration of the rehabilitation implementation is in accordance with the duration of the implementation of chemical castration. Then the last stage is the announcement of the perpetrator's identity to the public carried out by the prosecutor no later than 7 days after the perpetrator has completed serving the main sentence, and is carried out for 1 (one) calendar month through:

- 1) Bulletin board
- 2) Official website of the prosecutor's office
- 3) Print media, electronic media, and/or social media.⁴⁵

This identity announcement does not apply to child perpetrators. The announcement of the identity of pedophiles must at least contain some information in the form of:

- 1) Name of the perpetrator;
- 2) Latest photos;
- 3) Population registration number or passport;

⁴²Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁴³Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁴⁴Article 18 of Government Regulation 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence against Children

⁴⁵Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

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- 4) Place and date of birth;
- 5) Gender and;
- 6) Last address or domicile.⁴⁶

The essence of a series of stages of chemical castration punishment is carried out on the basis of the enormous impact of a pedophile's behavior on its victims, where the purpose of punishment is achieved in order to retaliate for actions against victims that cause pain and trauma, by being given chemical castration, the perpetrator will feel suffering where he cannot use his genitals properly. And the second goal is to create a reminder to the public how terrible the punishment is for pedophiles if they carry out their actions, where by implementing this punishment it is hoped that people will think twice before taking action and also to create a deterrent effect for the perpetrator so that he does not repeat it again in the future.⁴⁷

In the execution of chemical castration, the Prosecutor is not an expert in health, so the Prosecutor's Office collaborates with the IDI (Indonesian Doctors Association) to carry out the execution of the sentence, because the IDI is considered the most competent in carrying out punishment with medical elements.⁴⁸

3.3. The Concept of Effective Legal Supremacy in Overcoming Problems in the Implementation of Heavy Criminal Sanctions for Pedophile Offenders

When viewed from the purpose of punishment as stated by Herbert L Packer, there are 2 conceptual views related to the purpose of punishment, each of which has different moral implications, namely, first, the absolute/retributive theory which states that punishment is a negative reward for deviant behavior committed by members of society so that this view sees it only as retribution for mistakes made on the basis of their respective moral responsibilities, second, the relative/utilitarian theory which states that punishment is in terms of its benefits or usefulness, where what is seen is the situation or condition that is intended to be produced by imposing the punishment.⁴⁹

From the theory of the purpose of punishment, if seen from the purpose of punishment in imposing chemical castration on perpetrators of pedophilia against children is to provide a deterrent effect and as a form of optimal and comprehensive steps by not only providing increased criminal sanctions but also implementing a form of prevention (preventive) against the occurrence of sexual violence.

⁴⁶Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁴⁷Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁴⁸Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁴⁹Novia Devy Irmawanti, Urgency of Objectives and Guidelines in the Framework of Reforming the Criminal Law Sentencing System, *Journal of Criminal Law Development*, 3 (2), 2021, p. 220.

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In this case, in practice, additional sanctions are given in the form of chemical castration. as a form of prevention and to provide a deterrent effect for perpetrators of sexual violence

is considered to have various problems in its implementation according to Sudharmanto, including:

1) The implementation of chemical castration as a punishment has drawn much rejection. Especially from human rights organizations which basically rely on several reasons, namely: First, the punishment of chemical castration is not justified in the national criminal law system or the purpose of punishment adopted by the Indonesian legal system. Second, the punishment of chemical castration violates Human Rights as stated in various international conventions that have been ratified in our national law, including the Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), and also the Convention on the Rights of the Child (CRC), corporal punishment, in any form must be interpreted as a form of torture and an act that degrades human dignity, especially if it is intended for retaliation with the main reason for the scientifically doubtful deterrent effect. And third, all forms of violence against children, including sexual violence, are basically manifestations or operationalizations of the desire to control, dominate and dominate children, thus, the law of chemical castration does not target the root of the problem of violence against children;

2) The effects of chemical castration are not permanent, where when the administration of fluids is stopped, libido and erectile ability will return to function. One important factor that causes sexual drive or sexual arousal is the hormone testosterone. In addition, although the sexual drive will decrease drastically, it can still return if the chemical injection treatment is stopped, because there are still psychological factors that can cause sexual drive to return. Castration can also increase the possibility of the perpetrator becoming more aggressive because of psychological and social factors, negative feelings, such as hurt, anger, and revenge, have formed since the perpetrator felt victimized.

3) It is an obstacle for the medical profession because doctors who will execute chemical castration are included in violations and there are sanctions of the code of ethics. If the injection of chemical castration drugs is not given by an expert, then of course it can be dangerous for the health and even the life of the perpetrator of sexual violence against children. The Code of Medical Ethics has regulated that a doctor must be a protector of life. In relation to the problem of chemical castration, there is a conflict between several ethics listed in the Code of Medical Ethics, namely in article 5 it is stated that every act/advice of a doctor that may weaken the psychological or physical endurance, must obtain the consent of the patient/his family and is only given for the benefit and good of the patient. In the explanation of the article it is explained that weakening the patient's psyche or physical condition is contrary to the nature of medical science. They are to carry out an act that is detrimental to the patient, then general practitioners who comply with the code of ethics are not allowed to carry out castration.⁵⁰

⁵⁰Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

Problematically, as the executor of the decision, the prosecutor's office has the burden of responsibility to implement the judge's decision that has obtained permanent legal force. The criminal justice system as part of government administration is essentially also bound by the provisions of state constitutional law, namely the implementation of the judicial process by the components of the criminal justice system must be based on the authority held by each component. For example, the police have the authority to investigate and investigate, the prosecutor's office has the authority to prosecute and the court has the authority to examine cases and so on. The authority of each component in driving the management of criminal justice administration must receive serious attention, not only the issue of the legitimacy of the actions of law enforcement officers, but more substantially because every action by officers that has no basis in authority will give rise to violations of human rights.⁵¹

Regarding the hierarchy of statutory regulations and legal principles, there is a lack of synchronization between PP Number 70 of 2020 concerning procedures for implementing chemical castration, installation of electronic detection devices, rehabilitation, and announcement of the identity of perpetrators of sexual violence against children with the Fatwa of the Medical Ethics and Honorary Council (MKEK) Number 1 of 2016 concerning Chemical Castration.

That in Article 9 letter b of PP Number 70 of 2020, doctors who become executors in the implementation of chemical castration crimes are ordered by the Prosecutor. However, on the other hand, doctors are prohibited from becoming executors because it is contrary to the Fatwa of the Honorary Council and the Medical Code of Ethics, even if they violate it, they will be threatened and no longer fit to be a doctor as their profession. Then what efforts can be made by doctors regarding this matter.

If we look at the hierarchy of statutory regulations regulated in Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Statutory Regulations (Law 12/2011), the hierarchy of statutory regulations is as follows:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly;
- c. Law/Government Regulation in Lieu of Law;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regional Regulations;
- g. Regency/City Regional Regulations.

So Laws and Government Regulations are included in the hierarchy of statutory regulations, the principle of *lex superior derogat legi inferiori* applies, meaning that higher laws (legal norms/rules) negate the applicability of lower laws (legal norms/rules), meaning that what is used is the Child Protection Law and Government Regulation No. 70 of 2020.⁵² That the Fatwa of the Medical Ethics and Honorary Council (MKEK) Number 1 of 2016 concerning Chemical Castration needs to be reviewed again because there are already regulations in the Law of

⁵¹Bambang Waluyo, *Law Enforcement in Indonesia*, Jakarta: Sinar Grafika, 2016. p 210

⁵²Muhammad Rif'an, et al. *Castration Sanctions: How are Legal Regulations in Indonesia*. *Kertha Semaya Journal*, 10 (6)2022, p 1411

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the Republic of Indonesia Government Regulation Number 70 of 2020 concerning Procedures for Implementing Chemical Castration, Installation of Electronic Detection Devices, Rehabilitation, and Announcement of the Identity of Perpetrators of Sexual Violence Against Children.

In terms of recommendations in overcoming the problems, Soedharmanto is of the opinion that in taking a way out of the problems, the Prosecutor's Office can use the Indonesian National Police's medical science through Police Medicine (Dokpol). Because Dokpol is different from the Indonesian Doctors Association (IDI) based on authority and accountability. Someone becomes a Dokpol, in addition to after becoming a doctor must undergo education at the Police Inspector School of Bachelor's Degree (SIPSS) of the Police Academy. Dokpol as a Polri work unit, which is professional in its field becomes the executor of castration criminals.⁵³

The implementation of the castration execution must be carried out later by a special team formed by Dokpol. The responsibility for ethics and other issues related to Dokpol has been taken by the state and state apparatus only as the implementer. The government has issued Law No. 17 of 2016 concerning Child Protection and Government Regulation No. 70 of 2020 which aims to protect Indonesian children from cruel sexual violence behavior and will later regulate more completely with the Ministerial Regulation in the implementation of Chemical Castration.

Anthony Allott (Allot) who is famous for his theory of Effectiveness of Law is a legal expert from the University of London. With his book entitled, "Essays in African Law: (1960), Allot became the first legal expert pioneer to assess the impact of the acceptance of European law on the local legal system. This condition is the result of his research in Africa.

In his article entitled "The Effectiveness of Law" in 1981 published by Valparaiso University Law Review, Allot stated "The purpose of the laws is to regulate or shape the behavior of the members of the society, both by prescribing what is permitted or forbidden, and by enabling them, through the establishment of institutions and processes in the law, to carry out functions more effectively" (the purpose of the law is to regulate or shape the behavior of members of society, both by prescribing what is permitted or forbidden through the establishment of institutions and processes in the law, to carry out legal functions more effectively).⁵⁴ According to Anthony Allot, legal effectiveness is how the law can realize its objectives or in other words how the law can fulfill its objectives.

In the theory of legal politics in society, In relation to the society in which lawmaking is carried out, people distinguish between several models while the lawmaking is a reflection of the models of society. Chambliss and Seidman divide the difference between two models of

⁵³Interview Results with Soedharmanto as Head of Special Crimes Section, Wajo District Attorney's Office. Held on May 12, 2025 at 10.00 WITA

⁵⁴Diana Tantri Cahyaningsih, Analyzing Anthony Allot's Theory of Effectiveness of Law, Jurnal RechtsVinding, March 2020, p 1.

society.⁵⁵The first model of society is based on value consensus. In a society that falls into this model, the problem faced by law-making is only in determining the values that apply in that society. Law-making is a reflection of the values agreed upon by society.

The second model of society is a society with a conflict model. Unlike the making of laws in the first model, in the second model it cannot be said that the making of laws is the determination of values agreed upon by society. In this second model, the values that apply in society are in a situation of conflict with each other, so that this situation will also be reflected in the making of laws.

William J. Chambliss relates a particular area of law to the social structure in which it operates. In his study, Chambliss follows the development of regulations on the matter by observing their relation to the social structure at the time each regulation was enacted. From this investigation, it appears that the changing regulations are a reflection of the existing social structure as well as certain steps taken by the community at the time in question.

4. Conclusion

There is no specific mention of pedophilia in Indonesian laws and regulations, but laws and regulations, especially Law Number 35 of 2014 concerning Child Protection in Articles 81 and 82, have explained the punishment that will be imposed on perpetrators of sexual deviations who make children their victims. The provisions of Article 81 Paragraph 1 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection explain that: Any person who intentionally commits violence or threats of violence to force a child to have sexual intercourse with him or with another person, shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp300,000,000.00 (three hundred million rupiah) and a minimum of Rp60,000,000.00 (sixty million rupiah). In response to this, with the main reason of overcoming the sexual emergency in Indonesia, Perpu No. 1 of 2016 was quickly issued by the government. In Perpu No. 1 of 2016, there is an additional principal penalty, namely a maximum imprisonment of 20 years. Article 81 paragraph 5: "In the event that the criminal act as referred to in Article 76D causes more than 1 (one) victim, results in serious injury, mental disorders, infectious diseases, impaired or loss of reproductive function, and/or the victim dies, the perpetrator shall be sentenced to death, life imprisonment, or imprisonment for a minimum of 10 (ten) years and a maximum of 20 (twenty) years". The actualization of the regulatory changes, Perppu No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection which has been ratified as Law No. 17 of 2016 concerning Child Protection by implementing additional penalties for perpetrators of sexual crimes including life imprisonment, the death penalty, chemical castration, disclosure of the perpetrator's identity and installation of electronic detection devices. In the execution of chemical castration, the Prosecutor is not an expert in health, so the Prosecutor's Office collaborates with the IDI (Indonesian Doctors Association) to carry out the execution of the sentence, because the IDI is considered the most competent in carrying out punishment with

⁵⁵Chambliss & Seidman, Law, Order and Power, Op.Cit, 10(2), 1983, p 49

medical elements. Theoretically, the implementation of chemical castration has been well regulated in PP Number 70 of 2020, but it is different from the situation in the field. The first chemical castration decision was handed down to the Supreme Court, decided by the Surabaya High Court which upheld the decision of the Mojokerto District Court which had not yet reached a meeting point. The first chemical castration imposed in the Indonesian legal treasury is something new, from a positive perspective the imposition of this sentence provides a breath of fresh air in improving law in Indonesia, although there are still many shortcomings in this case. At that time, the Mojokerto District Attorney's Office, which was the executor in the case, had not been able to carry out the chemical castration execution because it clashed with the absence of an explanation in Law No. 17 of 2016, in the explanation of Article 81 paragraph 7 only explains the function of electronic detection devices, namely so that perpetrators of child rape, in other words acute pedophiles, can be identified by installing electronic detection devices.

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Article 81 Paragraph (1) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

Article 81 paragraph (5) of Government Regulation in Lieu of Law (Perpu) Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection

Article 82 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

Consideration of letter a of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection

Interview:

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